

#9  
2/21/02  
mgRECEIVED  
2-5-02PTO/SB/29 (10-00)  
Approved for use through 10/31/2002 OMB 0651-0092  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

CHECK BOX, If applicable  
 DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR1.53(d))

Address to:	Attorney Docket No. of Prior Application	DIVA/133
Assistant Commissioner for Patents Box CPA Washington, DC 20231	First Named Inventor	Michael C. Bertram
	Examiner Name	Nguyen, Brian D.
	Group / Art Unit	2661
	TRANSMISSION.	VIA FACSIMILE

This is a request for a  continuation or  divisional application under 37 CFR1.53(d),  
 (continued prosecution application (CPA)) of prior application number 09/126,884  
 filed on 7/31/98, entitled METHOD AND APPARATUS FOR FORMING AND UTILIZING A SLOTTED MPEG  
 TRANSPORT STREAM

NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(e).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form.  
 Provide credit card information and authorization on PTO-2038.

1.  Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application
2.  A preliminary amendment is enclosed.
3.  This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5.  Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

PTO/SB/28 (10-00)

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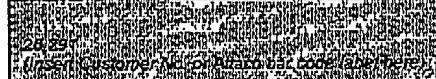
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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (i))	21-20 =	1	x \$18	18.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3 - 3 =	0	x \$84	00.00
	MULTIPLE DEPENDENT CLAIMS (If applicable) (37 CFR 1.16(d))			x \$280	00.00
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	758.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				379.00
	• Reissue claims in excess of 20 and over original patent. • Reissue independent claims over original patent.			TOTAL =	379.00

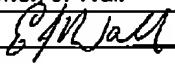
6.  Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No 50-1316:
- Fees required under 37 CFR 1.16.
  - Fees required under 37 CFR 1.17.
  - Fees required under 37 CFR 1.18.
8.  A check in the amount of \$ \_\_\_\_\_ is enclosed.
9.  Payment by credit card. Form PTO-2038 is attached.
10.  Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(l) enclosed).
11.  New Attorney Docket Number, if desired  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a.  Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b.  Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13.  Other:

14.  I am a small entity. My correspondence address is the same as my CPA address.  I am not a small entity.

**12. NEW CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		or <input type="checkbox"/> New correspondence address below	
Name	MOSER, PATTERSON & SHERIDAN, LLP		
Address	595 Shrewsbury Avenue, Suite 100		
City	Shrewsbury	State	NJ
Country	USA	Telephone	732-530-9404
			Fax 732-530-9808

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Eamon J. Wall
Signature	
Registration No. (Attorney/Agent)	39,414
Date	2/5/02

02/21/2002 MGORDON 00000001 501316 09126884

[Page 2 of 2]

01 FC:231 370.00 CH  
02 FC:203 36.00 CH

P TO/SB/29 (10-00)

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	<b>First Named Inventor</b>	Michael C. Bertram
	<b>Examiner Name</b>	Nguyen, Brian D.
	<b>Group / Art Unit</b>	2661
	<b>TRANSMISSION</b>	VIA FACSIMILE

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1.  Enter the unentered amendment previously filed on under 37 CFR 1.118 in the prior nonprovisional application
2.  A preliminary amendment is enclosed.
3.  This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:
    - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5.  Information Disclosure Statement (IDS) is enclosed:
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  - b.  Copies of IDS Citations

[Page 1 of 2]

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PTO/SB/29A (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>If this RECEIPT is included with a request for a CPA filed by facsimile transmission, it will be date stamped and mailed to the ADDRESS in item 1.</b>		<b>RECEIPT FOR FACSIMILE TRANSMITTED CPA</b> <i>(To accompany a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) filed by facsimile transmission.)</i>
<b>1. ADDRESS</b>	<b>Applicant's Mailing Address for this receipt must be CLEARLY PRINTED or TYPED in the box below.</b>	
MOSER, PATTERSON & SHERIDAN, LLP 595 Shrewsbury Avenue, Suite 100 Shrewsbury, New Jersey 07702		
<b>NOTE:</b> By this receipt, the USPTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the US PTO and (b) Verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt CANNOT be used to acknowledge receipt of any paper(s) other than the request for a CPA.		
<b>2. APPLICATION IDENTIFICATION:</b> <i>(Provide at least enough information to identify the application)</i>		
<b>a. For prior application</b>		
Application No:	09/126,884	
Filing Date:	7/31/98	
Title:	METHOD AND APPARATUS FOR FORMING AND UTILIZING, etc	
Attorney Docket No:	DIVA/133	
First Named Inventor:	BERTRAM	
<b>b. For instant CPA application</b>		
New Attorney Docket No:	DIVA 133 <i>(if applicable)</i>	
The USPTO date stamp, which appears in the box to the right, is an acknowledgement by the USPTO of receipt of a request for a CPA filed by facsimile transmission on the date indicated below.	(THIS AREA FOR PTO DATE STAMP USE)	
<b>USPTO HANDLING INSTRUCTIONS</b> Please stamp area to the right with the date the complete transmission of the request for a CPA was received in the USPTO and also include the USPTO organization name that provided the date stamp (stamp may include both items). Verify that the application number provided by applicant on this receipt is the same as the application number provided by applicant on the request for a CPA accompanying this receipt. If there is an inconsistency between the application number provided on this receipt and the request for a CPA, strike through the inconsistent application number provided on this receipt and insert the correct application number, if possible. Then place in a window envelope and mail..		

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## TELEFAX COVER SHEET

**MOSER, PATTERSON & SHERIDAN, LLP**

ATTORNEYS AT LAW  
 595 SHREWSBURY AVENUE  
 FIRST FLOOR  
 SHREWSBURY, NJ 07702  
 TELEPHONE (732) 530-9404  
 TELEFAX (732) 530-9808

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THIS MESSAGE HAS 5 PAGES INCLUDING THIS SHEET

TO: Assistant Commissioner of Patents  
 FAX NO.: 703-872-9315  
 FROM: Eamon J. Wall  
 DATE: 2/5/02  
 MATTER: Serial No. 09/126,884 Filed: 7/31/98  
 DOCKET NO.: DIVA/133  
 APPLICANT: Bertram

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

- |   |  |
|---|--|
| <input type="checkbox"/> Petition                                     | <input type="checkbox"/> Transmittal Letter (2 copies)                 |
| <input type="checkbox"/> Disclosure Statement & PTO-1449              | <input type="checkbox"/> Fee Transmittal (2 copies)                    |
| <input type="checkbox"/> Priority Document                            | <input checked="" type="checkbox"/> Deposit Account Transaction        |
| <input type="checkbox"/> Drawings ( <u>      </u> sheets) informal    | <input checked="" type="checkbox"/> Facsimile Transmission Certificate |
| <input type="checkbox"/> Amendment                                    | <u>dated</u> _____   |
| <input checked="" type="checkbox"/> CPA REQUEST TRANSMITTAL           | <input checked="" type="checkbox"/> Preliminary Amendment              |
| <input checked="" type="checkbox"/> RECEIPT FOR FACSIMILE TRANSMITTED | _____  |
| CPA   | _____  |

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.6

I hereby certify that this correspondence is being transmitted by facsimile to the Assistant  
 Commissioner for Patents, Washington, DC 20231 on 2/5/02  
 Facsimile No. 703-872-9315

LAURA E. CRATER  
 Name of person signing this certificate

*Laura E. Crater*, 2/5/02  
 Signature and date